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November 13, 1996

JOHN B. KENKEL  
D.C. AND MD.

RECEIVED

NOV 13 1996

Federal Communications Commission  
Office of Secretary

File: Office of the Secretary, FCC  
Mr. James Crutchfield  
Audio Services Division  
Federal Communications Commission  
1919 M Street NW Room 332  
Washington, D.C. 20554

In re: Application(s) of WMTD, Hinton, WV  
Request for Expedited Consideration

Dear Mr. Crutchfield:

Yesterday there was filed an application for minor change for WMTD, Hinton, West Virginia, and an application (request) for Special Temporary Authority, so that the station which is "silent" on account of loss of site may be restored to operation from the new site (less than 0.5 mi. from licensed site) shown in the application and request for STA.

Each and both of these applications, needed to bring a silent station back on the air is with REQUEST TO EXPEDITE APPLICATION OF SILENT STATION (see FCC Public Notice May 22, 1996, DA-96-818).

A copy of each filing was delivered yesterday to the Audio Services Division, AM Side; however, for your use in connection with the Expedited Consideration, here is another copy of each.

The WMTD renewal application has been designated for hearing in MM Docket No. 96-192. We are delivering copies of this notification and request, with the noted attachments, to the Hon. Richard L. Sippel, Administrative Law Judge, and to Jacqueline Ellington, Esq., counsel for the Chief, Mass Media Bureau.

Sincerely yours,

  
John B. Kenkel

Attachs

cc w/ attchs: Hon. Richard L. Sippel Chambers, 2nd Floor 2000 L St, NW  
Jacqueline Ellington, Esq., 2025 M Street Bldg. Rm 7212  
Delivered Mr. Crutchfield's office, Room 332



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET N.W.  
WASHINGTON, D.C. 20554

News media information 202/418-0500 Recorded listing of releases and texts 202/418-2222.

DA 96-818

Released: May 22, 1996

## PROCEDURES ANNOUNCED FOR EXPEDITED PROCESSING OF APPLICATIONS FILED BY SILENT BROADCAST STATIONS

The Mass Media and International Bureaus have established expedited processing procedures to assist silent broadcast stations who, pursuant to recent legislation, will lose their licenses if they remain silent for 12 consecutive months and who need the Commission's grant of an application in order to resume operations.

### Effect of the Telecommunications Act of 1996

The Telecommunications Act of 1996 provides for the expiration of broadcast station licenses as a matter of law upon a station's failure to operate for 12 consecutive months. See Pub. L. No. 104-104, 110 Stat. 56, § 403(l) (1996). The license of any station that went silent on or before February 8, 1996, when the legislation was enacted, will expire on February 9, 1997 if the station has not resumed operations during the year. See Order, Silent Station Authorizations, FCC No. 96-218 (released May 17, 1996). Likewise, the license of any station that goes silent after February 8, 1996 will expire one year from whatever date silent status commenced if the station does not resume operations during the year. Id. A station's authorizations and pending applications will not toll or extend the 12-month period that trigger expiration.

### Expedited Processing Procedures

The responsibility for bringing a silent station back on the air is that of the licensee. Nevertheless, recognizing that the new legislation creates a need for expedient action on applications that are required to return a silent station to the air, we have established the following procedures:

- (1) With each application, the applicant should submit a transmittal letter prominently labelled "REQUEST TO EXPEDITE APPLICATION OF SILENT STATION." Each letter should include (a) the station's call sign, city and state; (b) the type of application; (c) a brief explanation of why action on the application is necessary to return to the air and the date that the station's license will expire if it remains off the air. A separate copy of the letter should also be sent or hand-delivered directly to the relevant address on the attached list. For applications already on file, a letter containing the same information should promptly be submitted to the relevant address on the list.
- (2) Limited staff resources and mandatory public notice periods restrict speed of disposal rates for all types of applications. The staff needs no less than 45 days from the date of filing to act on unopposed assignment and transfer applications. It generally needs 4 months to act on unopposed minor modification applications. Deficiencies in either type of application slow processing considerably. Therefore, silent station applicants should submit any application required for the resumption of operations as early as possible and should use extreme care in preparing those applications to ensure prompt action. Early submission is especially important if the applicant anticipates objections or petitions against the application, or if the application requires a rule waiver.
- (3) The applicant should notify the Commission promptly upon its return to the air. (see list)

The staff will use its best efforts to act on applications timely. However, the Telecommunications Act does not afford the Commission discretion to extend license terms. We therefore emphasize that, as a matter of law, the staff's inability to act on any application within a specific time can not prevent license expiration nor give rise to any



# PUBLIC NOTICE

Federal Communications Commission  
1919 M St., N.W.  
Washington, D.C. 20554

News media information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

DA 96-1718

Released: October 17, 1996

## **DEADLINE APPROACHING FOR SILENT BROADCAST STATIONS: AM and FM STATIONS URGED TO FILE RELATED APPLICATIONS BY NOVEMBER 1**

The Telecommunications Act of 1996 provides for the expiration of broadcast station licenses as a matter of law upon a station's failure to operate for 12 consecutive months. See Pub. L. No. 104-104, 110 Stat. 56, § 403(l) (1996). The license of any station that went silent on or before February 8, 1996, when the legislation was enacted, will expire at 12:01 a.m. on February 9, 1997 if the station has not resumed operations during the year. See Order, Silent Station Authorizations, FCC No. 96-218 (May 17, 1996); Public Notice, Expedited Processing, DA 96-818 (May 22, 1996).

Commission records indicate that the licenses of many silent AM and FM stations which have not been designated for hearing will expire as a matter of law under the cited provision if the stations are not returned to the air before February 9, 1997. To resume operations, some of these stations will require prior Commission action on a related application, such as an application proposing a change of site or change of ownership. The Mass Media Bureau reminds licensees of these silent AM and FM broadcast stations that they may request expedited processing of these applications and strongly urges them to submit such applications no later than November 1, 1996. Because of factors such as public notice periods, applicants who do not file necessary applications by this date may not be able to resume operations before February 9, 1997 even if their applications are relatively routine. Silent station applicants also should use extreme care in preparing their modification and assignment applications because deficiencies in those applications slow processing considerably. Finally, the applicant should notify the Commission promptly upon its return to the air.

We remind silent broadcast stations of our expedited processing procedures. With each application, the applicant should submit a transmittal letter prominently labelled "REQUEST TO EXPEDITE APPLICATION OF SILENT STATION." Each letter should include (a) the station's call sign, city and state; (b) the type of application; (c) a brief explanation of why action on the application is necessary to return to the air and the date that the station's license will expire if it remains off the air. A separate copy of the letter should also be sent or hand-delivered directly to the relevant address on the attached list. For applications already on file, a letter containing the same information should promptly be submitted to the relevant address on the list.

Our issuance of this Public Notice or a station's submission of an application does not preclude our designating silent stations for hearing prior to automatic expiration in circumstances where the staff deems designation to be appropriate.

**CONTACTS FOR SILENT BROADCAST STATIONS:**

**AM, FM, FM Translator and Booster Stations, Radio Broadcast Experimental Stations:**

**Requests to Expedite:**

James Crutchfield  
Audio Services Division  
Mail Stop 1800B3, Room 332  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554  
FAX: (202) 418-1410

**Notification that a station has gone silent or resumed operations:**

**FM Stations:**

Glenn Greisman  
Audio Services Division  
Mail Stop 1800B3, Room 332  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554  
FAX: (202) 418-1410

**AM Stations:**

Sharlene Lofty  
Audio Services Division  
Mail Stop 1800B2, Room 344  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554  
FAX: (202) 418-1411

**TV, TV Booster, TV Broadcast Experimental Stations (Expedite Requests & Notification):**

Doris McGhee  
Video Services Division  
Mail Stop 1800E1  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554  
FAX: (202) 418-2827

**Low Power TV, TV Translator Stations (Expedite Requests & Notification):**

Hossein Hashemzadeh  
Video Services Division  
Mail Stop 1800E2  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554  
FAX: (202) 418-2827

**International Broadcasting Stations (Expedite Requests & Notification):**

Charles H. Breig  
Planning & Negotiations Division  
International Bureau, FCC  
Mail Stop 0800 C1, Room 872  
2000 M Street, N.W.  
Washington, D.C. 20554  
FAX: (202) 418-0398